

LAW OFFICES OF
HOLMES WEDDLE & BARCOTT
A PROFESSIONAL CORPORATION

701 WEST EIGHTH AVENUE, SUITE 700 ANCHORAGE, ALASKA 99501-3408
TELEPHONE (907) 274-0666 FAX (907) 277-4657

RECEIVED
FEC MAIL
OPERATIONS CENTER

2004 OCT 20 A 9:41

October 18, 2004

VIA EXPRESS MAIL

General Counsel
Federal Election Commission
999 E Street
Washington DC 20463

MUR # 5576

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2004 OCT 20 P 12:44

**Re: Complaint against Tony Knowles, a candidate for the US Senate from Alaska,
the Tony Knowles for Senate Committee, Leslie Riddle, Treasurer, and New
Democrat Network
Our File No. 4079.18035**

Dear Sir:

This is a formal complaint to the Federal Election Commission (FEC) concerning the above-named entities. This complaint will demonstrate that the New Democrat Network has, and is continuing to make, excess illegal in-kind donations to the Knowles campaign and is making illegal coordinated communications to benefit the Knowles for Senate Committee. The Knowles Committee is violating the law by accepting those excess in-kind donations and illegal coordinated communications and by failing to properly report those donations.

The New Democrat Network is running television advertisements in Alaska in connection with the US Senate Race. The media-buying firm of "Buying Time" is placing those ads. Attached are "buy sheets" from a television station showing this fact. (See Exhibit A)

The Tony Knowles for US Senate campaign (Knowles campaign) is also running television advertisements in Alaska which are being placed by the same entity: Buying Time. Attached are "buy sheets" from a television station showing this fact. (See Exhibit B)

Apparently the New Democrat Network considers its ads to be "independent expenditures" which were not coordinated with the Knowles Campaign.

However, the NDN commercials are clearly "coordinated communications" under the Federal Election Commission's regulations. Under 11 CFR 109.21 a communication is coordinated if meets three tests—

- 1) If the communication is paid for by a person other than the candidate, an authorized committee or a political party or agent of any of the foregoing;

26044141509

- 2) If the communication satisfies at least one of the content standards in Paragraph (c) of the regulations;
- 3) If the communication satisfies at least one of the conduct standards in Paragraph (d) of the regulations.

Here the NDN messages are being paid for by the NDN, i.e. someone other than the Knowles campaign or its agents and the NDN is not a party political committee. So the first element is satisfied.

The messages are electioneering communications and public communications under the application regulations and they expressly advocate the election or defeat of a clearly identified candidate for federal office. Thus, the content element of 11 CFR 109(21)(c) is satisfied.

Finally, the conduct standards of 11 CFR 109.21(d) are met as well. Here the same media-buying firm is buying the time for NDN and the Knowles campaign. It is not possible that the "Buying Time" firm is not aware of the content, the means and mode, the specific media outlets, the timing and frequency of the communication or the duration of the communications being made by the Knowles campaign, and has not been materially involved in some if not all of the decisions regarding those same issues with the NDN. Clearly the NDN is an agent of the Knowles campaign. It is unclear whether the NDN has produced and distributed these ads at the suggestion or request of the Knowles campaign or after substantial discussion with the Knowles campaign but, given the fact that the same media buyer is being used to buy the time for both the Knowles Campaign and NDN, it seems likely that there has been discussions between NDN and/or its agent and the Knowles campaign and its agent.

Buying Time is a common vendor for both the Knowles campaign and the NDN. They are a commercial vendor, who has obviously communicated with both entities about the purchasing of advertising slots, the selection of audiences, and providing media advice. It is unclear, but seems likely, that the common vendor has communicated information concerning the plans of the Knowles campaign and the NDN to these common clients.

Thus, the conduct standard of 11 CFR 109.21(d) has been violated. The three-part test of this section has thus been met and the expenditures made by NDN cannot be independent expenditures and, therefore, are in-kind contributions to the Knowles campaign in excess of the statutory maximums. As can be seen by Exhibit A, the purchase on this single station for this single week was in excess of \$44,000.00, vastly more than the New Democrat Network could legally donate to the Knowles campaign. The Knowles campaign has therefore accepted illegal excessive contributions and has failed to report contributions it has received in further violation of the FECA.

The FEC must immediately take steps to halt these illegal activities. I request that you immediately initiate a full investigation of the activities of the NDN and the Knowles campaign and require them to fully comply with the law.

26044141510

General Counsel
October 18, 2004
Page 3

If you have any further questions or desire further evidence of this illegal conduct please let me know

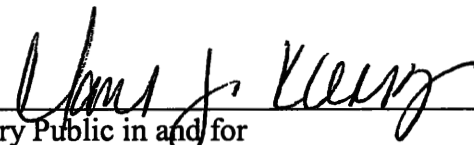
Sincerely,



Timothy A. McKeever

2004. SUBSCRIBED AND SWORN to before me this 18th day of October,




Notary Public in and for
the state of Washington
Notary's Printed Name: Mary J. Klemz
My Commission Expires: 5-23-05

cc: New Democrat Network – *via facsimile*
777 North Capitol Street NE, Suite 410
Washington, DC 20002
Phone: (202) 544-9200
Fax: (202) 547-2929

cc: Tony Knowles for Senate – *via facsimile*
PO Box 201902
Anchorage, Alaska 99520
Phone: (907) 332-2004
Fax: (907) 646-7719

26044141511